IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 24835 of 2007(F)

AGAINST THE ORDER IN IA 1778/2007 IN
OS.428/2007 of ADDL.MUNSIFF COURT,CHERTHALA
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PETITIONER:

MADHAVI DIVAKARAN,
W/O. DIVAKARAN,AGED 70 YEARS,
VETTUKADAVU PUTHUVAL NIKARTHIL,
VAYALAR MURI, VAYALAR KIZHAKU VILLAGE,
CHERTHALA TALUK, ALAPPUZHA.

BY ADV. SRI.BIJU M.JOHN
SMT.NIKHILA SOMAN

RESPONDENTS:

SREENIVASAN,
S/O. VAVACHAN, AGED ABOUT 47 YEARS,
NIKARTHIL HOUSE, VAYALAR PANCHAYATH,
VAYALAR KIZHAKU VILLAGE, CHERTHALA TALUK.
ALAPPUZHA.

BY /

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN , J

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W.P.(C) NO. 24835 OF 2007

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Dated this the 16th day of August, 2007.

JUDGMENT

This writ petition is filed seeking a direction to the learned Munsiff, Cherthala to dispose of I.A. No. 1778/2007 in O.S. No. 428/2007 at the earliest. It is true that Order 39 Rule 3A prescribes a time limit of 30 days to dispose of injunction application unless there are sufficient grounds to extend the time. Though it is averred in the writ petition that the matter has been heard, learned counsel submits that it is not heard so far. The purport and the intention of the legislature in Order 39 Rule 3A has to be respected and implemented by the court after hearing the matter. Therefore, I direct the Munsiff, Cherthala to dispose of the said application at the earliest, if possible, before the court close for the onam holidays or at least immediately on the reopening of the court after the holidays.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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